

DEPARTMENT OF MILITARY AFFAIRS
STATE HUMAN RESOURCES
PRACTICE AND PROCEDURE MANUAL

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SUBJECT: Grievance Procedure

SECTION: Employment Relations

I. PRACTICE

It is the policy of the Wisconsin Department of Military Affairs (DMA) to provide and execute an effective and efficient grievance procedure and to administer such in accordance with the Office of State Employment Relations (OSER), [Wisconsin Human Resources Handbook \(WHRH\), Chapter 430](#). This bulletin and WHRH Chapter 430 applies to ALL classified permanent and project employees of the DMA.

This bulletin will not unnecessarily duplicate information found in WHRH Chapter 430. Helpful references to such are provided herein and employees and supervisors are encouraged to review and reference both resources. Seek assistance from State Human Resources (SHR), if necessary, following a thorough review of these documents.

The purpose of this bulletin is to highlight the grievance process, emphasize critical information found in WHRH Chapter 430, and provide instruction on specific grievance protocol that are delegated to the DMA.

II. PROCEDURE

A. Grievance Submissions and Response Time:

1. Please reference WHRH Chapter 430, Sec. 430.080, page 4, for details regarding timelines for submitting grievances, answering grievances, and appealing decisions to subsequent steps.
2. Once a timely grievance is filed, the employer's representative for that step has 30 calendar days, from the date it was received, with which to schedule and conduct the hearing and provide a written response to the grievant. If this does not occur, the grievant may appeal their grievance to the next step in the grievance process.

However, it is important to understand that the "Date Submitted" field on the grievance form that the grievant completes is not always the "Date Received" by the employer representative, which begins the 30 calendar day timeline for the employer representative.

For example, the grievance may have been mailed or the employer representative may have been away on business for a couple days such that they “received” the grievance a couple days later than when it was “submitted”. This point is being made to alleviate confusion and reduce the potential of a grievant inaccurately projecting the employer’s 30 calendar day timeline and prematurely appealing to the next step.

B. Grievance Representatives:

1. Employees have the right to a representative in assisting them in the grievance process.
2. The employee has the right to decide whether or not they want a representative in their grievance process.
3. If so, the employee has the right to choose who will serve as their representative and the employee will so designate their representative in writing. The representative will then be authorized to discuss the specifics of the grievance with the management designee. The management designee will contact the grievant when scheduling grievance hearings.
4. A representative cannot file a grievance, including a pre-file as discussed below and an appeal of a denied grievance to the next step, on behalf of an employee. The employee must initiate and submit the grievance and be present for each step in the grievance process.

C. Pre-Filing:

1. As indicated in Sec. 430.060 of WHRH 430, agencies have the discretion of including a pre-filing step in the grievance procedure. The DMA will use pre-filing as a **required** step in the grievance procedure.
2. The purpose of a pre-file meeting is for an employee to present their concern to the employer, typically their first line supervisor, so both parties can share detailed information, in a problem solving and non-adversarial fashion, to seek clarification of the issue and/or mutual resolution - prior to filing a first step grievance. This meeting is a very important step, for the grievant and the employer, in gathering information and making necessary preparations for a meaningful first step grievance hearing, if necessary.
3. Pre-file meetings will take place in person or by way of teleconference or video conference. Pre-file discussions will not take place via e-mail. An employee may request a pre-file meeting by way of email, which is a worthwhile method to document that the request was made. Such an email may include the nature of the concern, for the sole purpose of informing the supervisor of the matter at hand. However, the supervisor will use that correspondence only to prepare for the pre-file meeting and will not conduct the pre-file or have discussions on the matter in writing. Doing so diminishes the intent and value of a pre-file meeting, which is for employees and supervisors to communicate in an effective, meaningful manner.
4. Whether in email or in person, if an employee wishes to initiate a pre-file meeting, the employee must indicate to the supervisor that the purpose of the meeting is to “pre-file” a concern, in advance of a potential, formal grievance. This is important for the supervisor to understand, so there is no confusion as to whether an employee is requesting a “pre-file meeting”, which brings about the potential of a formal grievance, or just needs to vent a concern, with no intention to engage the formal grievance procedure.

5. A pre-file meeting should be requested and conducted as soon as possible following the event that gave rise to the concern. First step grievances that are filed, when no pre-file meeting has been requested, may be held in abeyance for up to 30 calendar days until a pre-file meeting is conducted.
6. If the issue is not resolved by pre-filing, the employee may then file a grievance at the first step, except for grievances alleging that discharge was administered without just cause. Such grievances must be filed directly to step two.
7. There may be instances where pre-filing a grievance with the first line supervisor is not logical. At the employer's discretion, the use of an alternate employer pre-file contact (e.g. second line supervisor who is not also the employer's first step contact) is permissible. This alternate must be appropriate and must have the ability and authority to make decisions on behalf of the first line supervisor.
8. At the employer's discretion, a pre-file meeting may be waived to the first step of the grievance process if holding such a meeting is not logical (e.g. the pre-file contact does not have authority to provide a remedy as a result of a pre-file meeting). Requests to waive the pre-file meeting may be made to the employer's first step representative or designee by the first and/or second line supervisor. The first step employer representative will approve or deny the request or may direct the use of an alternate employer pre-file contact for the grievant.

D. Filing a Formal Grievance – First, Second & Third Steps:

1. The OSER Grievance Form (OSER-DCLR-222 Rev. 12/2011) must be used when filing a grievance at the first, second, and third steps. Electronic submissions of the form will not be accepted. Contact your immediate supervisor or State Human Resources for a grievance form. Requests from SHR can be submitted by email to DMASHRFeedback@Wisconsin.Gov or by phone to 608-242-3153.
2. **Please see Attachment #1 for a list of employer representatives for all grievance steps.**

Grievances must be filed at the proper level and the form must be completed in full. See Attachment #1 for contacts and delivery options. Once an employee completes the form, they should remove the pink copy and save it as their record that a grievance was filed and when it was submitted. Following the employer representative's receipt of the grievance form, contact will be made with the grievant to schedule a hearing. Grievance hearings may be conducted via teleconference or video conference at the discretion of the employer.

3. On rare occasion, there may be instances where grievances filed and conducted at step one are not logical. Upon approval from SHR, first step grievances may be waived to the second step if there is a logical reason for doing so and mutual agreement between the first step employer representative and the grievant. The first step employer representative will contact SHR with a request and justification for waiving the grievance to the second step. A second step hearing cannot be waived.
4. Sec. 430.040 of WHRH 430 provides a list of "Non-Grievable Actions". Grievances filed to step one that are clearly non-grievable will be returned to the employee with a written decision to that effect and a step one hearing on the matter will not be scheduled.

5. Sec. 430.060 of WHRH 430 provides that only certain types of grievances can be appealed to step three. The only grievances that may advance beyond step two of the grievance process are those which allege 1) the denial of hazardous employment benefits and 2) those alleging lack of just cause for actions affecting an employee's property interest – i.e. layoff, suspension (including letters in lieu of suspension), demotion, reduction in pay, and discharge. Sec. 430.070 of WHRH 430 provides that grievances on the subjects of written reprimands and those alleging abuse of discretion in applying written agency rules, policies or procedures end with step two of the grievance process.

Questions regarding the content of this bulletin and WHRH Chapter 430 can be submitted by email to – DMASHRFeedback@Wisconsin.Gov or by phone to Lynn Boodry, Human Resources Director at 608-242-3163 or Human Resources Specialists Tom Sandine at 608-242-3164 and Steve Janisch at 608-242-3166.

ATTACHMENT #1 – DMA EMPLOYER GRIEVANCE REPRESENTATIVES

Pre-filing grievances is a required step in the grievance process, except for discharge and circumstances relevant to Section C, # 8 of this policy. Employees must request and conduct a pre-file meeting with their first line supervisor prior to filing a formal grievance to subsequent steps.

If resolution is not achieved through a pre-filing meeting, or at step one or step two, following are the contacts for submitting a formal grievance, using the grievance form. Fill out the form completely, retain your pink copy, and route the grievance form to the appropriate contact by personal delivery, mail, or inter-department mail.

STEP ONE GRIEVANCES				
UNIT	CONTACT & LOCATION	MAILING ADDRESS	INTER-D	NOTES
Truax Field	Air Commander Wing Headquarters Building 500 Command Suite	Truax Field ANGB/CC Attn: Air Commander 3110 Mitchell Street Madison, WI 53704	Truax Field ANGB 115 FW/CC	The Air Commander may designate the Mission Support Group Commander for step one grievances.
Volk Field	Air Commander Building 100 Commander's Office	Volk Field ANGB/CC Attn: Air Commander 100 Independence Drive Camp Douglas, WI 54618	Volk Field ANGB/CC	The Air Commander may designate the Civil Engineer Director for step one grievances.
Mitchell Field	Air Commander Building 512 Room #1	128 ARW/CC Attn: Air Commander 1835 East Grange Ave Milwaukee, WI 53207	Mitchell Field ARW/CC Attn: Air Commander	The Air Commander may designate the Mission Support Group Commander for step one grievances.
WEM	Division Administrator, JFHQ, Rm 211	Wisconsin Emergency Management, Attn: Administrator, 2400 Wright Street, Madison WI 53704	DMA/WEM Attn: Administrator	The Administrator may designate a Bureau Director for step one grievances.

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Challenge Academy	Challenge Academy Director, Building 749	Challenge Academy Attn: Director 749 East 12 th Ave Fort McCoy, WI 54656	DMA/Challenge Academy/Fort McCoy/Attn: Director	Alternate drop off contacts are the Confidential Secretary and Business Manager. Seal the grievance in an envelope, addressed to the Director, and marked confidential.
(J4) Directorate of Installations Management (DIM)	Director, JFHQ, Rm 107A	Department of Military Affairs, WIJS-J4, Attn: Director, 2400 Wright Street, PO Box 14587, Madison, WI 53708	DMA/DIM-J4/2400 Wright St Attn: Director	
(J6) Directorate of Information Systems (DIS)	Director, JFHQ, Rm 131	Joint Force Headquarters Wisconsin National Guard Attn: WIJS-J6 Director 2400 Wright Street PO Box 8111 Madison, WI 53708	DMA/DIS-J6 Attn: Director	
WMA	Contact SHR, JFHQ, (608) 242-3153			Step One contacts may vary at this location.
USPFO	United States Property Fiscal Officer, Rm 231	USPFO for Wisconsin 1 Williams Street Camp Douglas, WI 54618	WPFO-ZA Attn: USPFO	
Other JFHQ	Contact SHR, JFHQ, (608) 242-3153			Step One contacts may vary at this location.

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STEP TWO GRIEVANCES				
All DMA Employees	Lynn Boodry, Human Resources Director, JFHQ, Rm 112	Department of Military Affairs, WING-SHR, 2400 Wright Street, PO Box 14587, Madison, WI 53708-0587	DMA/WING-SHR, c/o Lynn Boodry	Grievances relating to a discharge are filed directly to the second step and are not pre-filed.
STEP THREE GRIEVANCES				
All DMA Employees	Office of State Employment Relations, Division of Compensation and Labor Relations	Office of State Employment Relations, c/o DCLR, 101 East Wilson Street, Madison, WI 53702	DOA/OSER, 4 TH FLOOR, C/O DCLR	Grievances not resolved or settled under the foregoing procedure may be appealed to the Wisconsin Employment Relations Commission only if the appeal alleges <u>denial of hazardous employment benefits</u> or a preceding grievance decision that was not <u>based on just cause</u> . Just cause applies only to the following actions taken by the employer: demotion, layoff, suspension, discharge, and reduction in pay. <u>All other grievances end at step two.</u>